

ATTACHMENT 54

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA
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4

5 IN RE: PROCESSED EGG PRODUCTS: MDL NO. 2002
6 ANTITRUST LITIGATION 08-MDL-02002
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9 PHILADELPHIA, PA
10

11 MAY 9, 2018
12 DAY SIX

13 BEFORE: THE HONORABLE GENE E.K. PRATTER, J.
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16 TRIAL TRANSCRIPT
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(Transcript produced by mechanical shorthand via C.A.T.)

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1 THE DEPUTY CLERK: Please remain standing and raise
 2 your right hand.
 3 (Sworn.)
 4 THE WITNESS: I do.
 5 THE DEPUTY CLERK: Could you please have a seat.
 6 Please state your full name and spell your last name for the
 7 record.
 8 THE WITNESS: Linda K. Reickard, R-E-I-C-K-A-R-D.
 9 THE COURT: Good afternoon, Ms. Reickard. How are
 10 you today?
 11 THE WITNESS: I'm fine.
 12 THE COURT: Good. Are you comfortable?
 13 THE WITNESS: Yes.
 14 THE COURT: Be sure to scooch a little closer to the
 15 microphone so everybody can hear you, okay? "Scooch" is a
 16 very pleasant term.
 17 Okay. You may proceed.
 18 MR. LYONS: Thank you, Your Honor.
 19 Good afternoon, Your Honor. Good afternoon, members
 20 of the jury.
 21 DIRECT EXAMINATION
 22 BY MR. LYONS:
 23 Q. Ms. Reickard, my name is Duane Lyons. I'm one of the
 24 attorneys representing the Plaintiffs in this case.
 25 Have we met before?

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1 A. No.
 2 Q. Part of your testimony today, did you meet with anyone on
 3 behalf of the Plaintiffs?
 4 A. No.
 5 Q. Did you meet on behalf -- with any other lawyers for the
 6 Defendants in this case?
 7 A. No.
 8 Q. I understand that you're retired now; is that correct?
 9 A. Yes.
 10 Q. Prior to retiring, you were in the egg business; is that
 11 correct?
 12 A. Yes. Yes.
 13 Q. For how long?
 14 A. Thirty-five years.
 15 Q. What was the last company you worked for in the egg
 16 business?
 17 A. United Egg Producers.
 18 Q. And what was the first company you worked for?
 19 A. Midwest -- excuse me. Midwest Egg Producers.
 20 Q. When did you start working for Midwest Egg Producers?
 21 A. In 1977.
 22 Q. And at some point in time, you transitioned from Midwest
 23 Egg Producers to United Egg Producers, right?
 24 A. Yes. We consolidated.
 25 Q. Let's talk a little bit about the work you did when you

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1 first started. And if you could just briefly describe for me
 2 what type of work you did when you first started working at
 3 Midwest Egg Producers.
 4 A. Um, secretarial.
 5 Q. And then at some point in time, did those
 6 responsibilities grow?
 7 A. Yes.
 8 Q. Okay. Now, you mentioned there was some consolidation.
 9 What do you mean by that?
 10 A. At the time I started, there were five regions, and we
 11 were all part of United Egg Producers.
 12 Q. So Midwest Egg Producers was a part of United Egg
 13 Producers back in 1978?
 14 A. Yes.
 15 Q. Okay. How many different regions did United Egg
 16 Producers have back at that time?
 17 A. Five.
 18 Q. And how many egg producers were in the Midwest region?
 19 A. At that time?
 20 Q. Yes.
 21 A. About 500.
 22 Q. Okay. Now, you mentioned consolidation. Did some of
 23 those egg producers leave the business by the time you joined
 24 United Egg Producers in 1998?
 25 A. Yes.

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1 Q. And approximately how many egg producers were in
 2 operation in 1998 when you joined United Egg Producers?
 3 A. About 200.
 4 Q. Okay. So some consolidation?
 5 A. Quite a bit.
 6 Q. How did that affect your job duties, the consolidation?
 7 A. Um, United Egg Producers wanted to keep me on as an
 8 employee and we owned the building in Eldridge, Iowa. And so
 9 through faxes and computers, telephones, I was able to
 10 continue to work there.
 11 Q. And then you continued to work there in Iowa until your
 12 retirement; is that correct?
 13 A. Yes, that's correct.
 14 Q. Now, did United Egg Producers have headquarters at some
 15 other location?
 16 A. Yes. Atlanta, Georgia.
 17 Q. And when did they move their operation to Atlanta or had
 18 it always been there?
 19 A. It had always been there.
 20 Q. Did you have a staff with you in Iowa?
 21 A. Yes. I had an assistant.
 22 Q. Did that staff grow at any point in time, or was it
 23 always you and assistant?
 24 A. It was just me and assistant.
 25 Q. For the entire time you were there?

1 A. Yes. It was two different assistants but just one
 2 assistant at the time.
 3 Q. Now, turning your attention to 1998, when you started
 4 working for United Egg Producers, could you describe for me
 5 the duties that you had at that time?
 6 A. Um, I was -- I did meeting planning, I did accounting, I
 7 was in charge of the egg pack committee and program, and I
 8 worked with exports when -- or no. They weren't there yet.
 9 And I worked with the animal welfare part of it.
 10 Q. I'm going to ask you a couple of questions about the
 11 export business in a second. You mentioned animal welfare.
 12 And so let me start with that.
 13 What were your duties with regard to the animal
 14 welfare responsibilities that you had?
 15 A. My duties were more recordkeeping. Once we started the
 16 Certified Program, the monthly reports would come to me and I
 17 would check them over.
 18 Q. Okay. When you say "monthly reports," do you recall that
 19 participants of the Certified Program supplied monthly reports
 20 to UEP?
 21 A. Yes.
 22 Q. And could you describe for the jury what information was
 23 contained in those monthly reports?
 24 A. Um, well, without looking at one -- I've been retired for
 25 a while, you know -- they had to check boxes about whether

1 could be housed in a facility?
 2 A. Yes, I did.
 3 Q. And could you describe for the jury what you did in that
 4 regard?
 5 A. Whenever they housed birds that month, I would check --
 6 they would give me the dimensions of their house. So then I
 7 would check to see if they had housed too many chickens. And
 8 if they hadn't, then it was fine. If they had, I notified
 9 them that they might not pass their audit, and we wanted them
 10 to pass their audit because, you know, the Certified Program
 11 was a good program and we wanted the people to be Certified,
 12 and so that's why we had the monthly compliance reports. It
 13 was like a self -- monthly self-audit.
 14 Q. So just to be clear, this was a document that the egg
 15 producers submitted to your office --
 16 A. Yes.
 17 Q. -- is that correct?
 18 A. Yes.
 19 Q. And there was a spot for the producer to identify their
 20 capacity; is that correct?
 21 A. Yes.
 22 Q. And then they would write in this form what their
 23 capacity was, and then they would also give you the dimensions
 24 of their facilities; is that correct?
 25 A. I need to look on the form to be sure exactly what they

1 they had molted or not that month, beak trimming was one of
 2 the things, and if they housed layers that month, they had to
 3 report the capacity of that house and how many layers they had
 4 housed.
 5 Q. Let's talk about the capacity issue for a second. Do you
 6 recall that in these monthly reports, producers would identify
 7 the number of hens that their facilities could hold at that
 8 time?
 9 A. Yes.
 10 Q. Okay. And when you refer to capacity, is that what
 11 you're referring to?
 12 A. Yes.
 13 Q. And just so we're clear, when you say "capacity," are you
 14 referring to the maximum number of hens that could be housed
 15 in a facility or the actual number of hens that could be
 16 housed in a facility?
 17 A. The maximum number that could be there.
 18 Q. Okay. And you understood that under the Certified
 19 Program, there was some limitations as to the number of hens
 20 that could be housed in a particular facility; is that
 21 correct?
 22 A. That's correct. Yes.
 23 Q. Did your duties involve checking to see whether the
 24 members of the United Egg Producers were compliant with the
 25 Certified Program as it related to the number of hens that

1 were putting on there. I can't remember if it was -- if they
 2 gave me the dimension. I can't remember what they put on
 3 there.
 4 Q. Somehow they gave you some information so that you
 5 could --
 6 A. I knew, yes.
 7 Q. -- you could determine whether they were exceeding the
 8 allowable amount?
 9 A. That's correct.
 10 Q. And to be clear, the information that they provided to
 11 you was all self-reporting?
 12 A. Yes.
 13 Q. You didn't go to any facilities to inspect them, correct?
 14 A. No. I did not drive to any facilities to see them.
 15 Q. So if they -- if a producer told you that they had 10,000
 16 chickens in a facility, you took them at their word?
 17 A. Yes.
 18 Q. And sometimes they would indicate to you that they had
 19 10,001 chicken and the facility could only hold 10,000, and
 20 you'd report back to them and tell them that they were over
 21 the maximum?
 22 A. That is correct.
 23 Q. And I think it was your testimony at your deposition that
 24 you would send letters out to the producers even if there was
 25 one bird above the maximum; is that correct?

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1 A. That's true.

2 Q. So if a facility had a million birds and -- a million and

3 one birds and they could only hold a million, you would tell

4 them, You're over the limit; is that correct?

5 A. That's right.

6 Q. And you're also familiar with something called

7 backfilling; is that correct?

8 A. I'm sorry. I didn't understand you.

9 Q. "Backfilling," have you heard that term before?

10 A. Yes.

11 Q. Can you tell the jury what you understand backfilling to

12 be?

13 A. Backfilling is if they had a catastrophe, a tornado or

14 something, then they were allowed to put birds back in that

15 house. If they just had mortality, a few birds died, they

16 were not allowed to replace those.

17 Q. Okay. And as part of this compliance, you would check

18 and see if the facilities were backfilling, correct?

19 A. That was one of the questions that was asked.

20 Q. And if you found the facility was backfilling, you would

21 tell the owner of the facility that the birds needed to be

22 destroyed; is that correct?

23 A. Yes.

24 Q. Now, you also had some duties with regard to the export

25 program; is that correct?

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1 A. That's correct.

2 Q. And you're familiar with a company called -- or excuse

3 me -- with an entity called United States Egg Marketers?

4 A. Yes.

5 Q. Can you tell the jury what United States Egg Marketers

6 does?

7 A. It's a marketing program.

8 Q. Let me stop there because I wanted to back up.

9 You did mention something about beak trimming

10 earlier; is that correct? In your testimony today.

11 A. Yes, that was one of the items on the monthly compliance

12 report.

13 Q. And you also mentioned something about forced molting?

14 A. I mentioned molting, yes.

15 Q. That was another item that was on the compliance form --

16 A. That's correct.

17 Q. -- correct?

18 And just so that I'm clear, you had asked companies

19 if they engaged in improper beak trimming, and they would

20 indicate yes or no depending upon what the circumstances were?

21 A. I -- if I remember the form correctly, it asked, Did you

22 beak trim this month? And it was a yes or no. If it was no,

23 then nothing else was filled out. If it was yes, then there

24 was other questions that they answered --

25 Q. And with regard to --

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1 A. -- with regard to --

2 Q. I'm sorry. I didn't mean to cut you off.

3 And with regard to beak trimming, it would be fair

4 to say you didn't do any investigation on your own to

5 determine whether any of these producers were improperly

6 trimming the beak of their hens?

7 A. No, I did not.

8 Q. Also, with regard to molting, there was also a similar

9 question about whether molting occurred at that facility,

10 right?

11 A. That's correct, yes.

12 Q. And would it be fair to say that you didn't do any

13 investigation or follow-up to confirm whether producers were

14 improperly molting their birds?

15 A. No.

16 Q. You did do the follow-up with regard to the cage space?

17 A. Yes.

18 Q. Now, you said that United States Egg Marketers was a

19 marketing association. Did I understand that correct?

20 A. Yes.

21 Q. And what do you mean by that?

22 A. They would -- they export eggs, which is marketing of --

23 you know, a form of marketing eggs.

24 Q. When did you first take on any responsibilities as it

25 relates to United States Egg Marketers?

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1 A. Um, when -- when they came to United Egg Producers and

2 asked to be managed by them, and when we started doing that,

3 then that's when some of my duties --

4 Q. Let me see if I can help you with some time.

5 Do you recall that there was a management agreement

6 between United Egg Producers and United States Egg Marketers?

7 A. Yes.

8 MR. LYONS: Your Honor, may I approach with an

9 exhibit?

10 THE COURT: Yes.

11 MR. LYONS: Your Honor, just -- I think for ease, I

12 have a binder of exhibits for you and your clerk and Defense

13 counsel, and I have individual exhibits that I'll approach if

14 needed for the witness.

15 THE COURT: Are they all in the book?

16 MR. LYONS: I didn't have a book for the witness

17 because I didn't know if there was going to be enough room

18 there.

19 THE COURT: Okay. Great.

20 MR. LYONS: That's for your clerk and that's for

21 you, Your Honor. And for every one that -- the individual

22 exhibits are tabbed with a tab, and I'll call out the tab

23 number to point to the specific exhibit.

24 BY MR. LYONS:

25 Q. So, Ms. Reickard, I've placed an exhibit in front of you.

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1 Do you recognize that exhibit at all?

2 A. I have seen it, yes.

3 Q. Okay. And that's a joint resolution adopted at a special

4 meeting of the Board of Directors of the United States Egg

5 Marketers; is that correct?

6 A. Yes.

7 Q. And it has an attachment of a UEP-USEM management

8 agreement. Do you see that?

9 A. Yes.

10 MR. LYONS: Your Honor, I'd move admission of

11 Plaintiffs' Exhibit 49.

12 THE COURT: Any objection?

13 MR. BARNES: No objection.

14 MR. LYONS: I'd like to display this.

15 THE COURT: Very well.

16 MR. LYONS: Now, if I can have the first paragraph

17 on the first page under Management Services Agreement blown

18 up.

19 BY MR. LYONS:

20 Q. It says: Whereas the Board of Directors, the Board, and

21 the members desire to ratify, confirm, and approve the

22 company's actions with respect to entering into the Management

23 Services Agreement with United Egg Producers, the agreement

24 being in substantially the form of Exhibit A hereto.

25 Do you see that? And if we can go to the third page

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1 Q. And what duties did that actually involve? When you say

2 "manage for them," what did you understand that after this

3 agreement was going to go into place that you would be doing

4 on behalf of United States Egg Marketers?

5 A. Me personally?

6 Q. Well, let's start with you and then I'll ask a broader

7 question.

8 A. Um, I was going to only be involved when there were

9 exports to do accounting work.

10 Q. If we could go down to the second paragraph of the

11 agreement under Scope of Service, it says: UEP agrees to

12 provide management services and the staff necessary to provide

13 an export program.

14 Do you see that?

15 A. Yes.

16 Q. And it continues on from there.

17 That was you, right?

18 A. Well, I did the accounting part of it, yes.

19 Q. Okay, and the staff functions, did you have any staff

20 functions other than accounting?

21 A. No. That was all done in the Georgia office.

22 Q. So with regards to the accounting activities, can you

23 tell us what types of accounting duties you handled?

24 A. When an export had been approved by the USEM members,

25 then I had a list with the bird numbers, I would calculate the

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1 of this, there's actually a management agreement.

2 MR. LYONS: I apologize. It's Exhibit A, Paul. I

3 apologize. I was looking at my hard copy. So if we could

4 blow that up, please, the first two paragraphs.

5 BY MR. LYONS:

6 Q. So under Exhibit A, it says UEP-USEM Management

7 Agreement. This is not on the screen, but do you see, ma'am,

8 there's a date there that says 21st August of 2000?

9 A. Yes.

10 Q. Does that jibe with your recollection as to when the

11 management agreement went into place?

12 A. Yes.

13 Q. Okay. And then the second paragraph says: Whereas on

14 this date, USEM desires to divest itself of all of its

15 activities other than the management of shell eggs exports,

16 and marketing conference calls and has requested that UEP

17 provide management services to enable USEM to continue these

18 activities.

19 And it continues on from there. Do you see that?

20 A. Yes.

21 Q. And was it your understanding that as a result of this

22 management agreement, UEP, United Egg Producers, was going to

23 take on some of the duties that had been previously handled by

24 United States Egg Marketers?

25 A. We were going to manage for them, yes.

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1 percentage of eggs that each producer would be responsible

2 for, and then after the eggs were delivered, I did all of the

3 invoicing and recorded all of the accounts payable.

4 Q. Would it be fair to say that you handled all the

5 paperwork for the buying and selling of eggs?

6 MR. BARNES: Objection, Your Honor. I don't think

7 that properly characterizes the witness's testimony.

8 THE COURT: Well, did she answer yes or no? I'm

9 going to overrule the objection at this point.

10 Do you remember the question, ma'am?

11 THE WITNESS: No.

12 THE COURT: Do you want to ask it again?

13 MR. LYONS: I'll withdraw the question and I'll

14 produce an exhibit.

15 May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MR. LYONS:

18 Q. Now, Ms. Reickard, I've placed an exhibit in front of

19 you. It appears to be a memo to United States Egg Marketers'

20 members, and it's signed by Gene Gregory and it's dated

21 November 22, 2006.

22 Do you see that?

23 A. Yes.

24 Q. Okay. Do you recognize this document, ma'am?

25 A. Well, recognize it? I mean --

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1 Q. Have you seen it before?

2 A. Um, probably, yes.

3 MR. LYONS: I move the admission of

4 Plaintiffs' Exhibit 23.

5 MR. BARNES: Objection, Your Honor, hearsay.

6 THE COURT: So far it seems to be hearsay.

7 BY MR. LYONS:

8 Q. Ms. Reickard, let me ask you to take a look at the second

9 page of this exhibit. If you look on the top bullet point and

10 probably halfway down the paragraph on the right-hand side,

11 you'll see your name. Do you see that, ma'am?

12 A. Yes.

13 Q. Okay. And if you could read that to yourself, the rest

14 of that paragraph and let me know when you're finished, I'm

15 going to ask if that paragraph refreshes your recollection

16 about the duties that you had at United States Egg Marketers.

17 A. Yes. When he says "handles all the paperwork," a lot of

18 the paperwork came from Phyllis at the Atlanta office. So

19 he -- when he was referring to me, it was really accounting

20 paperwork that I handled.

21 Q. Looking at that document, does it refresh your

22 recollection about the duties that you had when you were

23 working for United States Egg Marketers back in 2006?

24 A. I'm sorry.

25 Q. I'm sorry. I apologize.

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1 Q. And Mr. Gregory's memo says: It was a big job for an

2 extremely small staff.

3 That would be a fair statement?

4 A. Yes, it would.

5 Q. Okay. And he also said he wanted to express his

6 appreciation for an excellent job. And you have no doubt you

7 did an excellent job for United Egg Producers, correct?

8 A. I think so, yes.

9 Q. Okay. No one ever complained about the work you did?

10 A. No.

11 Q. Now, during the time that you worked on these exports,

12 did you have an understanding as to the purpose of the

13 exports?

14 A. Well, the purpose of the exports, an export was just

15 another market. Egg producers had a domestic market, and the

16 export market was just another avenue to sell eggs.

17 Q. I'm going to come back to the details of the export

18 market, and we're going to go over it in a little greater

19 detail, but let me stop there for a second and ask you a

20 question about exports.

21 Is it your understanding, ma'am, that there was a

22 period in time when United States Egg Marketers was not

23 exporting eggs or doing any exports? Did that ever come to

24 pass?

25 A. Well, yes, there were some years where we didn't have an

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1 Does looking at that document refresh your

2 recollection about the duties you handled at United States Egg

3 Marketers back in 2006?

4 A. Yes.

5 Q. Okay. And so I'm going to go through some of those

6 duties. You tell me if I'm wrong, ma'am.

7 A. Okay.

8 Q. We talked about handling the paperwork of buying and

9 selling eggs. Was it one of your responsibilities to make

10 sure everyone gets paid an invoice?

11 A. Paid -- you mean the producers -- yes.

12 Q. And was one of your duties to keep track of every freight

13 invoice?

14 A. Yes.

15 Q. And was one of your duties to determine what the freight

16 equalization for each member packing their own eggs was?

17 A. No. The Georgia office determined that.

18 Q. Did you keep all records for those that supplied eggs for

19 an export?

20 A. Phyllis and I both did that together, yes.

21 Q. And did you keep records for those people who purchased

22 in a separate pool and asked the company to purchase their

23 eggs for them?

24 A. Phyllis basically kept those records, and at the end of

25 the export, she gave me that information.

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1 export at all.

2 Q. Now -- and do you recall why that was, why for some years

3 there were no exports?

4 A. No, I have no idea.

5 Q. Do you recall any discussion at United States Egg

6 Marketers or United Egg Producers about the need for exports

7 after there had been this hiatus where no eggs were being

8 supported?

9 A. I don't remember for sure, no.

10 Q. Did you keep a membership list of the members of the

11 United States Egg Marketers?

12 A. Yes, I did.

13 MR. LYONS: It's Tab 7, Your Honor. And may I

14 approach?

15 THE COURT: Yes.

16 BY MR. LYONS:

17 Q. Ms. Reickard, I've placed an exhibit in front of you.

18 For the record, it's Plaintiffs' 315A. And that's a

19 membership list from January 2007.

20 Do you recognize that document, ma'am?

21 A. This is not my document.

22 Q. That wasn't my question. My question is do you recognize

23 it?

24 A. Yes.

25 Q. And you recognize it to be a membership list for

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1 January 2007 for United States Egg Marketers?
 2 A. It looks like it is, yes.
 3 MR. LYONS: I'd move admission of
 4 Plaintiffs' Exhibit 315A.
 5 MR. BARNES: Objection. Hearsay.
 6 THE COURT: This witness doesn't recognize the
 7 document.
 8 MR. LYONS: I thought she said --
 9 THE COURT: It wasn't hers. You can ask her some
 10 more questions, if you'd like.
 11 MR. LYONS: That's fine, Your Honor.
 12 BY MR. LYONS:
 13 Q. Ma'am, would it be fair to say that you became familiar
 14 with the members of the United States Egg Marketers during
 15 your job?
 16 A. Yes. Yes.
 17 Q. Would it be fair to say you had something called a Bible?
 18 Do you remember that at your deposition?
 19 A. Yes.
 20 Q. That was a list of all of the members of United States
 21 Egg Marketers --
 22 A. Yes.
 23 Q. -- and the dues they paid, right?
 24 A. Yes.
 25 Q. And you used that list every time there was an export,

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1 correct?
 2 A. That's correct.
 3 Q. And because you used that list every time there was an
 4 export, you kept up-to-date records of who the members were?
 5 A. Yes.
 6 Q. And could you explain to the jury why it was important
 7 for you to keep a list of all the members?
 8 A. Because whenever an export came up, I had the list ready
 9 to go so that we could proceed.
 10 MR. LYONS: 27 and 28. May I approach, Your Honor?
 11 THE COURT: Yes.
 12 BY MR. LYONS:
 13 Q. Now, I placed two exhibits in front of you, ma'am. The
 14 first, I believe, is Exhibit 208. I also believe the second
 15 is 216.
 16 Do you see those yellow tabs at the top?
 17 A. Yes. Yes.
 18 Q. Okay. And let's -- let me ask independently, do you
 19 recognize Exhibit 208?
 20 A. Yes.
 21 Q. And do you recognize Exhibit 216?
 22 A. Yes.
 23 Q. And those are documents you used while you were working
 24 for United States Egg Marketers -- excuse me -- while you
 25 worked for UEP providing services for United States Egg

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1 Marketers?
 2 A. That's correct. Yes.
 3 MR. LYONS: Okay. Move admission of Exhibits 208
 4 and 216.
 5 MR. BARNES: No objection.
 6 THE COURT: 208 and 216 are admitted.
 7 MR. LYONS: And if we could put 208 on the screen.
 8 BY MR. LYONS:
 9 Q. This is a form that says Case Volume For Exports.
 10 Do you see that title, ma'am?
 11 A. Yes.
 12 Q. And the date of January 2007.
 13 And there's the word "sale" next to that?
 14 A. Yes.
 15 Q. And then to the far right, it says: Export total, 300
 16 containers?
 17 A. Yes.
 18 Q. Okay. And this is a form that you used in your work at
 19 United States Egg Marketers in connection with a specific
 20 export that occurred sometime ago?
 21 A. Yes.
 22 Q. Okay. And on the left-hand side, you'll see that there's
 23 a column for Members?
 24 A. Yes.
 25 Q. Do you see that?

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1 And if you look down the page and continue on to the
 2 next page, there are a list of companies there. Do you see
 3 that, ma'am?
 4 A. Yes.
 5 Q. Now, who created this document?
 6 A. I did.
 7 Q. And the source of information that you got were the
 8 records of United States Egg Marketers, correct?
 9 A. Yes.
 10 Q. I believe you prepared a certification regarding certain
 11 exhibits recently?
 12 A. Yes, I did.
 13 Q. Do you recall doing that, ma'am?
 14 A. Yes.
 15 Q. And in that certification, you indicated that you have an
 16 understanding of the recordkeeping systems of the UEP and USEM
 17 between 2000 and 2012?
 18 A. Yes.
 19 Q. And you said you were familiar with the manner in which
 20 the records were compiled and maintained?
 21 A. Yes.
 22 Q. And the records -- some of the records you identified
 23 include official meeting minutes?
 24 A. I'm sorry. What?
 25 Q. Some of the records you were referring to as having been

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1 familiar with included official meeting minutes?

2 A. Yes.

3 Q. Invoices?

4 A. Yes.

5 Q. And other documents at UEP and USEM that were created on

6 a regular basis?

7 A. Yes.

8 Q. And this was one of those such documents?

9 A. Yes.

10 Q. And the information about the members came from the USEM

11 files, correct?

12 A. Yes.

13 Q. Now, if we go down and look through some of the names on

14 the files, you'll see there's maybe two-thirds of the way

15 down, you'll see a company called there called Pilgrim's

16 Pride. Do you see that?

17 A. Yes.

18 Q. Okay, and they were identified as a member, right?

19 A. Yes.

20 Q. And do you know, as you sit here today, the source of

21 that information as to how they were a member?

22 A. They would have signed a membership form.

23 Q. Okay. And you'll go down further, you'll see it says:

24 Rose Acre?

25 A. Yes.

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1 Q. And you understood that they were a member?

2 A. Yes.

3 Q. Okay, and you go down further it says: Sauder R.W.

4 Do you see that?

5 A. I do.

6 Q. And your form indicates that they were a member. Does

7 your form indicate that, ma'am?

8 A. The form indicates that, yes.

9 Q. And if we go to Exhibit 216, you'll see that there's

10 another document called: An Export Case Volume Form.

11 Do you see that, ma'am?

12 A. Yes.

13 Q. And if we go down on the form, you'll see that Rose Acre

14 is identified as a member, true?

15 A. Yes.

16 Q. And if we go a little bit further down, it says: Sauder,

17 R.W.

18 Do you see that, ma'am?

19 A. I do.

20 Q. Now, ma'am, I'm going to come back to these forms in a

21 second. I'm going to ask you to put that document aside and

22 ask you to take a look at a different exhibit, okay?

23 THE COURT: Tab 8?

24 MR. LYONS: Tab 8, please.

25 BY MR. LYONS:

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1 Q. Now, Ms. Reickard, I've placed Exhibit 206 in front of

2 you. Have you had a chance to look that document over, ma'am?

3 A. Yes.

4 Q. And do you recognize that document as a membership

5 agreement and export commitment?

6 A. Yes.

7 Q. I'm sorry?

8 A. Yes.

9 Q. Okay. And that's for Rose Acre Farms?

10 A. Yes.

11 Q. Correct.

12 MR. LYONS: I'd move admission of Plaintiffs' 206.

13 MR. BARNES: No objection.

14 THE COURT: 206 is admitted.

15 MR. LYONS: I'd like to publish that to the jury,

16 please.

17 THE COURT: Very well.

18 BY MR. LYONS:

19 Q. Now, let me ask you -- I'm going to ask you a few

20 questions about this form that's in front of you there.

21 Paragraph 1 talks about the requirements for membership. You

22 can see that, you have a hard copy there, and it's also on the

23 screen, whichever's more convenient for you.

24 A. Yes. Yes.

25 Q. And there is a question under A. It asks someone to

194

1 identify the house capacity of layers owned by the applicant.

2 Do you see that?

3 A. Yes.

4 Q. And someone has written in 20 million?

5 A. Yes.

6 Q. All right. You didn't write in 20 million?

7 A. No.

8 Q. Presumably, that was information that someone from Rose

9 Acre provided?

10 A. Correct.

11 Q. As part of the membership process?

12 A. Yes.

13 Q. Right, and it also asks to answer some additional

14 questions in Questions B, C and D. Do you see that?

15 A. Yes.

16 Q. And then paragraph 2 talks about dues. Do you see that?

17 A. Yes.

18 Q. And it says: UEP members may become USEM members by

19 making an export commitment as identified in Item 3 and paying

20 an annual membership fee, and continues on from there.

21 Do you see that?

22 A. Yes.

23 Q. And one of your jobs was to keep records of who paid

24 dues?

25 A. Yes.

1 Q. And then focusing on paragraph 3, there's a reference
 2 there to export commitment. Do you see that?
 3 A. Yes.
 4 Q. And it says: Our company agrees to participate pro rata
 5 in all shell egg export orders approved by the USEM Export
 6 Committee and approved by a majority of the USEM members.
 7 Do you see that?
 8 A. Yes.
 9 Q. And it continues on: The level of export commitment will
 10 be determined by each member's total layers compared to the
 11 total layers of all USEM members.
 12 Do you see that?
 13 A. Yes.
 14 Q. Now, when it says "total layers," is that the number
 15 that's referenced in paragraph 1A?
 16 A. Yes.
 17 Q. And so that was a self-reported number that a company
 18 signed up with initially, and then periodically they had to
 19 provide a monthly compliance report which stated the total
 20 number of layers or hens that they had; is that correct?
 21 A. Yes.
 22 Q. And then you had used the number they reported when you
 23 prepared the export forms that we were just looking at. Is
 24 that true?
 25 A. Well, whenever I kept membership records for United Egg

1 Producers and their layer numbers, I would verify their
 2 numbers each year because I had to send out dues invoices
 3 based on that. So I also had to keep those layer numbers for
 4 the Certified people. So several places I had to keep layer
 5 numbers. So I verified in October those layer numbers and
 6 my -- the layer numbers had to agree on all my forms.
 7 For instance, I know that this particular membership
 8 agreement, I changed the layer numbers to the ones that had
 9 been reported to UEP. It was just off by -- I assumed that
 10 whoever filled this out just rounded off, but because I keep
 11 meticulous records, I made sure that they were all the same.
 12 MR. LYONS: Can I have Exhibit 206 on the screen,
 13 please -- I'm sorry. It's 208, which is in evidence and we
 14 were just looking at now.
 15 BY MR. LYONS:
 16 Q. So I guess maybe you misunderstood what I was saying.
 17 The company signs up and they list a number of
 18 layers that they have initially. True?
 19 A. Yes.
 20 Q. And then periodically, they'll provide additional
 21 information to either update -- to update their number of
 22 layers. Either sometimes it goes up, sometimes it goes down,
 23 and you check that, right?
 24 A. That's correct.
 25 Q. And, for example, on Exhibit 208, if we look at Rose

1 Acre, just for an example, you'll see that in January 2007,
 2 they were reporting 20,586,000 birds?
 3 A. That's correct.
 4 Q. Right?
 5 And the exhibit we were just looking at,
 6 Exhibit 206, in December of 2007, they were reporting
 7 20 million birds?
 8 A. Correct.
 9 Q. So somewhere between December and January, they grew by
 10 586,000 birds. That's what the records show?
 11 A. That's what the records show.
 12 Q. And you would take them at their word when they provided
 13 this information, right?
 14 A. In October of that year, I had verified the number of
 15 layers that they had. And I just assumed -- I assumed when
 16 they filled this out, that they didn't give the exact amount
 17 that I had been given in October, so that was the number I
 18 used instead of the 20 million.
 19 Q. I'm not quibbling with that. I'm just saying that's what
 20 the records show.
 21 A. Yes.
 22 Q. Okay. Do you know how members calculate their capacity
 23 numbers?
 24 A. Well, you'd have to ask them.
 25 Q. So the answer to my question then is you don't know how

1 they did calculate their capacity numbers?
 2 A. No.
 3 MR. LYONS: Now, can I have Exhibit 206 on the
 4 screen by itself? And I'll ask you to blow up paragraph 3.
 5 BY MR. LYONS:
 6 Q. The export commitment form says that: The company agrees
 7 to participate pro rata in all shell egg export orders
 8 approved by the USEM Export Committee.
 9 Do you see that, ma'am?
 10 A. Yes.
 11 Q. Are you familiar with something called the USEM Export
 12 Committee?
 13 A. Yes.
 14 Q. And could you tell the jury, what was the USEM Export
 15 Committee?
 16 A. Whenever an export -- exporter would contact Phyllis and
 17 show interest or make a proposal for an export, then the
 18 export committee was called and they determined if they wanted
 19 to present it to the membership as a viable export.
 20 MR. LYONS: May I approach, Your Honor?
 21 THE COURT: Yes.
 22 BY MR. LYONS:
 23 Q. Ms. Reickard, I've placed Exhibit 231, Plaintiffs' 231
 24 before you. It's a -- minutes of a conference call for the
 25 export committee on August 9, 2007.

1 Do you recognize that document, ma'am?

2 A. Yes.

3 MR. LYONS: I'd move admission of Plaintiffs'

4 Exhibit 231.

5 THE COURT: Which tab is this?

6 MR. LYONS: I'm sorry, Your Honor. Tab 10.

7 MR. BARNES: No objection.

8 THE COURT: Okay, 231 is admitted.

9 MR. LYONS: Now, if I could have that displayed to

10 the jury, please.

11 BY MR. LYONS:

12 Q. And you'll see this is minutes of a meeting of the export

13 committee, and you're identified as one of the members --

14 excuse me -- one of the people who were present at that

15 meeting, correct?

16 A. Yes.

17 Q. And let me just stop there for a second and ask what were

18 your duties at these types of meetings?

19 A. I just listened.

20 Q. Did you take notes?

21 A. No.

22 Q. Did you vote on anything?

23 A. No.

24 Q. Okay, but you were there to -- let me ask it this way:

25 Why was it that you were attending if you were not

1 participating and you weren't taking notes?

2 A. Just to get information about the exports that they were

3 talking about.

4 Q. And so you would learn about the particular export that

5 was at issue so that you could use that in your job functions

6 as a staff member?

7 A. That's correct.

8 Q. And presumably by attending these meetings over the time,

9 you learned about the export process?

10 A. Yes.

11 Q. You learned some of the reasons why exports were being

12 done. True?

13 A. Yes.

14 Q. And you also learned what people's views were about,

15 whether an export was a good idea or a bad idea?

16 A. Yes.

17 Q. And you also learned why United States Egg Marketers were

18 recommending that exports be taken?

19 A. Yes.

20 Q. Now, this identifies Marcus Rust as a member of the

21 export committee, at least as of August 9, 2007. Does that

22 jibe with your recollection, ma'am?

23 A. I don't remember.

24 Q. How frequently did the USEM hold these export committee

25 meetings?

1 A. Just whenever -- I believe it was just whenever an export

2 was made available.

3 MR. LYONS: Okay, now, if we can take a look at

4 Exhibit 231, and if we could blow up maybe the second,

5 third -- second, third paragraphs in the two bullets.

6 BY MR. LYONS:

7 Q. And so it says: Seger requested of Blizzard and Gregory.

8 Seger is the chairman, Larry Seger, right?

9 A. Right.

10 Q. And Blizzard is Phyllis Blizzard?

11 A. Yes.

12 Q. And she was one of the people who worked on the exports

13 with you?

14 A. Yes.

15 Q. Just so that I'm clear, was she in Iowa, or was she in

16 Atlanta?

17 A. She was in Atlanta.

18 Q. Gregory there refers to Gene Gregory, and that seems to

19 be the last person on the list of attendees?

20 A. Yes. Yes.

21 Q. And it says: Seger requested of Blizzard and Gregory to

22 bring the committee to update on responses received from

23 buyers in regard to USEM's offer to sell eggs at 60 cents per

24 dozen or better.

25 Do you see that?

1 A. Yes.

2 Q. And then it continues on: The staff reported that only

3 two buyers had made bids at 60 cents -- it says "of," but I

4 think that's "or" -- or better and provide the following

5 details.

6 Do you see that?

7 A. Yes.

8 Q. Now, I'm just using this as an example, but would it be

9 fair to say, correct me if I'm wrong, that this was the type

10 of discussion that would take place at an export committee

11 meeting?

12 A. Yes.

13 Q. Okay. Someone would bring up a possible export, and you

14 would have to talk about the size of the export, correct?

15 A. Yes.

16 Q. Who the potential buyer was?

17 A. Yes.

18 Q. The price of the export?

19 A. Yes.

20 Q. And when the export was going to take place?

21 A. Yes.

22 Q. Now, what was your understanding as to what -- let me

23 stop for a second. And then at some point, it was your

24 understanding that the committee would vote as to whether to

25 recommend to the full membership whether to go forward with

1 the export or not?

2 A. That's correct.

3 Q. Okay. And you'll see here there's a reference to a

4 motion, and it says: It was moved by L.C. and seconded by

5 Rust to offer Shevi -- that's one of the people identified

6 earlier -- 63 loads at 60 cents and huge 100 loads at

7 60 cents.

8 Do you see that, ma'am?

9 A. Yes.

10 Q. And it says: Carried by unanimous vote.

11 A. Yes.

12 Q. Let me stop you for a second and ask you, it says

13 "loads." What's a load?

14 A. We used an average of 800 cases per load.

15 Q. And so this particular export was carried by unanimous

16 vote. And was the next step for the membership to decide

17 whether they wanted to go forward with this export?

18 A. Yes.

19 Q. Okay, and did you have a role to play in facilitating a

20 vote of the membership to determine whether they would go

21 forward with the export or not?

22 A. No. That was done from the Atlanta office.

23 MR. LYONS: I'd like to display Exhibit 445, which I

24 believe is in evidence already, Your Honor.

25 MR. BARNES: Is that in your book, Counsel?

1 Q. Why was that box there?

2 A. I -- well, I didn't make that form up.

3 Q. Do you have any understanding as to why that box was

4 there?

5 A. My understanding is that if you were a USEM member, you

6 had to participate in the exports, and I think they're just

7 making -- he was just making it clear by leaving that in

8 there.

9 Q. So if you were making the form up, you would have thought

10 you would not have needed that third box?

11 MR. BARNES: Objection. Speculation.

12 THE COURT: Sustained.

13 BY MR. LYONS:

14 Q. Would you agree that that third box was unnecessary for

15 USEM members?

16 A. Yes, I would agree then.

17 Q. Now, let me ask you to assume that the membership votes

18 to approve an export. Okay, so the committee recommends an

19 export, it's approved by the committee, it goes to the

20 membership. The membership says, We're going to vote, and the

21 membership votes to do an export.

22 Okay, are you with me so far?

23 A. Yes.

24 Q. Now that there's a decision to do an export, could you

25 explain to the jury what the next step in the process is if

1 MR. LYONS: It's Tab 11.

2 BY MR. LYONS:

3 Q. Now, ma'am, I'm just going to ask that you look on the

4 screen. Can you see that? I have a hard copy if it's

5 difficult for you.

6 A. I see it.

7 Q. You see it, okay.

8 MR. LYONS: And I'm going to ask that the second

9 page be brought up.

10 BY MR. LYONS:

11 Q. And there's a form here. It's called an Export

12 Commitment Form. Have you seen this type of form before?

13 A. I have.

14 Q. And could you explain to the jury what the purpose of

15 this form was?

16 A. That was the voting form that they sent out for the

17 members to vote whether they wanted to export or not.

18 Q. So you could vote, yes, I support the export

19 committee's decision, or you could vote no. Do you see that?

20 A. Yes.

21 Q. And then there's a third box that says: Check, I

22 understand that if the export is accepted, I will be informed

23 of my share of the order.

24 Do you see that?

25 A. Yes.

1 the membership says, Yes, we want to do an export?

2 A. The next process is to determine how many cases each

3 member is responsible for.

4 Q. Okay. And we looked at an exhibit earlier, and let me

5 ask if we could have Exhibit 208, which is in evidence on the

6 screen.

7 This was the case volume for exports form. And is

8 this something that you would utilize as part of the next step

9 in the process?

10 A. Yes.

11 Q. Okay. And can you explain to the jury how you would use

12 this particular document in part of the process to complete

13 the export?

14 A. Okay. I had the members listed and their number of

15 layers. It was determined on this one that they needed 300

16 containers.

17 Q. Let me stop you there for a second. So it says "300

18 containers" in the middle of the page there.

19 MR. LYONS: If we can have that highlighted so

20 everybody's on the same page.

21 BY MR. LYONS:

22 Q. And if you go to the middle, below that, it says 246,000

23 cases?

24 A. We averaged each container to be 800. It might be more;

25 it might be less.

1 Q. And then beneath that under Cases, there's some numbers
 2 there. Do you see that?
 3 A. Yes.
 4 Q. And how do you get those numbers?
 5 A. Um.
 6 Q. To look at active feed --
 7 A. Okay.
 8 Q. -- it says 861.
 9 A. They have their total number of layers. I figured their
 10 percentage from the total number of layers of all the members,
 11 I got their percentage times the number of cases, and the 861
 12 is the number of cases that they were responsible for.
 13 Q. So you would take the number of layers, and that's the
 14 entire column of page 1 that continues onto page 2?
 15 A. Yes.
 16 Q. Right?
 17 And on page 2, it says 140,892,28?
 18 A. Yes.
 19 Q. Do you see that?
 20 A. Yes.
 21 Q. And then you calculated a percentage based on each
 22 person's per -- pro-rata share of the overall number to come
 23 up with the number in the column under 246,600 cases?
 24 A. Yes.
 25 Q. Now, to the right of that, there are two columns that I

1 want to ask you some questions about.
 2 A. Yes.
 3 Q. The first says Cases/Pack, and the second one says Cases
 4 Purchase. Do you see that?
 5 A. Yes.
 6 Q. Let's start with cases/pack. What does that refer to?
 7 A. That means where those numbers are listed, those
 8 producers supply the eggs.
 9 Q. Okay. And so, for example, if you're looking at Active
 10 Feed Company, which is the first company on this particular
 11 screen, they have nothing there under Pack, but if I go over
 12 to Purchase, there's some. Do you see that?
 13 A. Yes.
 14 Q. And the first one under Pack is called Well Foods, and so
 15 that means that they were going to supply 800 cases of eggs
 16 for this export?
 17 A. Yes.
 18 Q. Okay. And then continuing over to the right for Active
 19 Feed Company, which is not under Pack, but under Purchase,
 20 what do they do?
 21 A. They asked UEP through their marketing program of long
 22 and shorts to go out and buy the eggs for them.
 23 Q. Now, you said UEP's program of longs and shorts. What do
 24 you mean by that?
 25 A. UEP had a marketing program where people, if they were

1 long -- which means -- if they were long on eggs, they had
 2 more than they had customers for. They would tell UEP they
 3 had extra eggs to sell, and we would try to put a buyer and
 4 seller together. If they were short, they would tell us they
 5 were short, and we'd try to find eggs for them. So through
 6 that program, we went out and bought the eggs for the people
 7 who didn't supply their own.
 8 Q. So it sounds like there are two options to complete an
 9 export. If I'm a member, then I have to participate; is that
 10 correct?
 11 A. You have to participate, yes.
 12 Q. If I'm a member.
 13 And I can either give you eggs, and the eggs are
 14 then going to be supported outside the United States?
 15 A. That's correct.
 16 Q. Is that correct?
 17 A. Yes.
 18 Q. Or I can choose to have you -- UEP buy eggs for me?
 19 A. That's correct.
 20 Q. And then those eggs are going to be put with the other
 21 eggs that are going to be supported and those are going to go
 22 outside the United States?
 23 A. Yes.
 24 Q. Okay, and then for the people who are asking UEP to buy
 25 their eggs, how does payment take place?

1 A. UEP pays those producers.
 2 Q. So UEP would pay the producer for the eggs. So, for
 3 example, if I was asking UEP to buy eggs for me, UEP would pay
 4 the producer for the eggs, and then would I ever get a bill?
 5 A. Yes.
 6 Q. Okay, and when would I get a bill?
 7 A. At the end of the export.
 8 Q. Okay, so at some point in time after the export was
 9 completed, I -- if I chose to have UEP buy eggs for me, I'd
 10 get a bill?
 11 A. That's correct.
 12 Q. And that someone, for example, if Mr. Bizar said supply
 13 eggs and he supplied his own eggs, he wouldn't get a bill?
 14 A. That's correct.
 15 MR. LYONS: Your Honor, if this is a convenient
 16 stopping point. It's 4:30.
 17 THE COURT: I take it it is convenient for you.
 18 MR. LYONS: Well, yeah, Your Honor.
 19 THE COURT: Okay. Fair enough. That's -- you know,
 20 if you're at a point where you'd then be moving on to another
 21 subject.
 22 MR. LYONS: I'm going to move on to a more
 23 complicated subject, Your Honor.
 24 THE COURT: Well, say no more.
 25 Then, ladies and gentlemen, we're going to adjourn